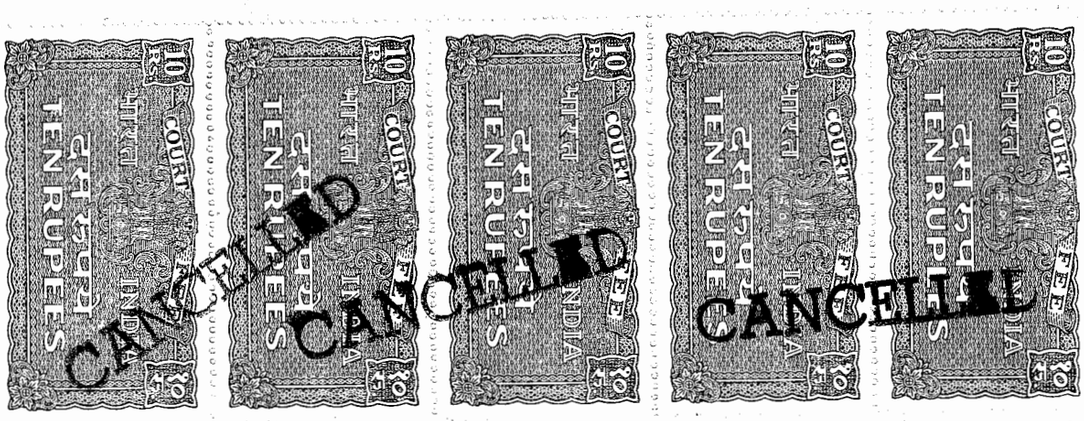

(3)

chhook

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2026 /2003

PETITIONER : M/s H. R. Malik and Company,
Through Mr. A.K.Malik,
Aged about 62 years,
S/o Late H.R.Malik,
R/o H.I.G. – II, Padmnabhanpur,
Durg (C.G.)

- Versus-

RESPONDENTS : 1. Union of India,
Through Secretary, Ministry
of Law, Shastri Bhawan,
R. P. Road, New Delhi.

2. Central Bank of India,
Through its General Manager,
Civic Center, Bhilai,
District- Durg (C.G.).

P. R. No. 1922/03
Presented by Shri Pravesh Agrawal
dated 04.08.03

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDER OR DIRECTION.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(110)

आदेश पत्रक

मामला क्रमांक WP 2026 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH:

HON'BLE SHRI A.S.VENKATACHALA MOORTHY, CJ
& HON'BLE SHRI FAKHRUDDIN, J.

29/06/2004: -

Shri Prashant Jaiswal counsel for the petitioner.

Shri Vinay Harit, Sr. Standing Counsel for the Union of India, for respondent No.1.

Shri S.C.Swarnkar, learned counsel for respondent No.2.

Following the decision of the Supreme Court in the matter of **Mardia Chemical Ltd. Vs. Union of India (2004 AIR SCW 2541)**, the writ petition stands dismissed.

However, it is made clear that where a secured creditor has taken action under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in such cases it would be open to borrowers to file appeals under Section 17 of the Act within the limitation as prescribed therefor, to be counted with effect from today.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge

[पीछे देखिये